

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL MEETING**

June 24, 2015  
Phoenix Airport Marriott Hotel  
1101 North 44th Street  
Phoenix, Arizona

**MEMBERS ATTENDING**

Mayor Michael LeVault, Youngtown, Chair	Mayor Thomas Schoaf, Litchfield Park
Mayor W.J. "Jim" Lane, Scottsdale, Vice Chair	Mayor Christian Price, City of Maricopa
Vice Mayor Robin Barker, Apache Junction	Supervisor Denny Barney, Maricopa County
* Mayor Kenneth Weise, Avondale	Mayor John Giles, Mesa
* Mayor Jackie Meck, Buckeye	* Mayor Michael Collins, Paradise Valley
* Councilmember Mike Farrar, Carefree	Mayor Cathy Carlat, Peoria
Councilmember Dick Esser, Cave Creek	* Mayor Greg Stanton, Phoenix
Mayor Jay Tibshraeny, Chandler	* Supervisor Todd House, Pinal County
* Mayor Lana Mook, El Mirage	Mayor Gail Barney, Queen Creek
* Mayor Tom Rankin, Florence	* President Delbert Ray, Salt River
* President Ruben Balderas, Fort McDowell Yavapai Nation	Pima-Maricopa Indian Community
Councilmember Nick DePorter for Mayor	Councilmember Roland Winters for Mayor
Linda Kavanagh, Fountain Hills	Sharon Wolcott, Surprise
* Mayor Chuck Turner, Gila Bend	Mayor Mark Mitchell, Tempe
* Governor Stephen Roe Lewis, Gila River Indian Community	* Mayor Adolfo Gamez, Tolleson
Mayor John Lewis, Gilbert	Mayor John Cook, Wickenburg
Mayor Jerry Weiers, Glendale	Mr. Roc Arnett, Citizens Transportation Oversight Committee
Mayor Georgia Lord, Goodyear	Mr. Joseph La Rue, State Transportation Board
Mayor Rebecca Jimenez, Guadalupe	Mr. Jack Sellers, State Transportation Board

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference

1. **Call to Order**

The meeting of the MAG Regional Council was called to order by Chair Michael LeVault at 11:35 a.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair LeVault introduced Councilman Nick DePorter as proxy for Mayor Linda Kavanagh and Councilmember Roland Winters as proxy for Mayor Sharon Wolcott.

Chair LeVault requested that members of the public who would like to comment fill out a blue public comment card for the Call to the Audience agenda item, or a yellow public comment card for Consent Agenda items or items on the agenda for action. Transit tickets for those who purchased a transit ticket to attend the meeting.

3. Call to the Audience

Chair LeVault noted that the Call to the Audience provides an opportunity to members of the audience who wish to speak on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens are requested to not exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

No public comment cards were received.

4. Executive Director's Report

No report.

5. Approval of Consent Agenda

Chair LeVault noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, #5J, #5K, #5L, and #5M were on the Consent Agenda.

Chair LeVault asked members if they had questions or requests to hear a presentation on any of the Consent Agenda items. None were noted.

Mayor Mark Mitchell moved to approve Consent Agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, #5J, #5K, #5L, and #5M. Mayor Gail Barney seconded, and the motion passed unanimously.

5A. Approval of the May 27, 2015, Meeting Minutes

The MAG Regional Council, by consent, approved the May 27, 2015, meeting minutes.

5B. MAG Public Involvement Progress Report

As part of its adopted public involvement process, MAG provides quarterly progress reports on public involvement activities to MAG policy committees for information and to convey input. MAG responds

to all of the comments received as appropriate. The MAG public involvement process adheres to all federal requirements under the current federal transportation planning legislation and is dedicated to providing all of the region's residents and interested parties an opportunity to comment on transportation plans and programs.

5C. Project Changes – Amendments and Administrative Modifications to the Fiscal Year 2014-2018 MAG Transportation Improvement Program and as Appropriate, to the 2035 Regional Transportation Plan, Fiscal Year 2015 Arterial Life Cycle Program, and Draft Fiscal Year 2016 Arterial Life Cycle Program

The MAG Regional Council, by consent, approved amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, and as appropriate, to the 2035 Regional Transportation Plan, FY 2015 Arterial Life Cycle Program, and draft FY 2016 Arterial Life Cycle Program, contingent on approval of the draft Fiscal Year 2016 Arterial Life Cycle Program. The Fiscal Year (FY) 2014-2018 Transportation Improvement Program (TIP) and 2035 Regional Transportation Plan (RTP) were approved by the MAG Regional Council on January 29, 2014. The new requested project changes include highway, highway safety, light rail, roadway, transit, paving, pedestrian, transportation improvements, private development, and bridge projects. Due to requested changes in the Arterial Life Cycle Program, Transit Life Cycle Program, and private development, some of the project changes are dependent on a new finding of conformity. A new finding of conformity for the projects in Tables A, B, and C will be heard through the MAG Committee process. Other general changes to the Regional Freeway and Highway Program, Arterial Life Cycle Program, general highway and transit projects are included in Tables D, E, and F. Table G includes the Federal Transit Administration, Urbanized Area Section 5307, FY 2015 Program of Projects that is included under a separate agenda item. Congress has yet to approve a continuing resolution or a new Surface Transportation Authorization, and consequently the Federal Highway Administration and Federal Transit Administration cannot determine the final funding amounts for federal fiscal year (FFY) 2015. Based on the federal funding amounts directed to the MAG region for FFY 2015, additional modifications to projects and funding amounts may be needed. The project changes were recommended for approval on May 28, 2015, by the MAG Transportation Review Committee, on June 10, 2015, by the MAG Management Committee, and on June 17, 2015, by the Transportation Policy Committee.

5D. Draft Fiscal Year 2015 Program of Projects and Amendments and Administrative Modifications to the FY 2014-2018 MAG Transportation Improvement Program, and as Appropriate, to the 2035 Regional Transportation Plan

The MAG Regional Council, by consent, approved the draft Fiscal Year 2015 Program of Projects and amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, and as appropriate, to the 2035 Regional Transportation Plan with the following provisions: 1) If final apportionment is above the currently programmed levels, funds will be utilized to advance future Transit Life Cycle Program (TLCP) replacement bus purchase projects at maximum allowable federal match; 2) The balance of funds that cannot be programmed at the maximum allowable federal match for TLCP buses will be programmed to Preventive Maintenance/ Complementary ADA, per the approved methodology. The Program of Projects (POP) is required by Federal Transit Administration (FTA) to provide an annual listing of transit projects funded by the Section 5307 program to be

developed in consultation with interested parties, in coordination with public transportation services providers and subject to public participation requirements. The draft FY 2015 POP was included in the Public Notification process advertised on May 14, 2015. As stated in the MAG Public Participation Plan, MAG's Transportation Improvement Program process is used to satisfy the public participation process of the POP that is required in U.S.C. §5307. The draft FY 2015 Program of Projects was recommended for approval on May 14, 2015, by the MAG Transit Committee, on May 28, 2015, by the MAG Transportation Review Committee, on June 10, 2015, by the MAG Management Committee, and on June 17, 2015, by the Transportation Policy Committee.

5E. Fiscal Year 2015 Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Transportation Program Recommendation for the Phoenix/Mesa Urbanized Area

The MAG Regional Council, by consent, approved the priority listing of applicants for the FY 2015 Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Transportation Program for the Phoenix/Mesa UZA to be forwarded to the City of Phoenix Public Transit Department based on final apportionments (the projects will be funded based on the rank order), and of the associated amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, and as appropriate, to the 2035 Regional Transportation Plan. The FTA provides Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities Transportation Program funding, for capital assistance awards. This award program is available to agencies and public bodies that provide transportation services for older adults and people who have a disability. MAG prepares the Section 5310 priority listing of applications for the Phoenix/Mesa Urbanized Area (UZA) which is approved through the MAG committee process, and forwarded to the City of Phoenix Public Transit Department for submission to the FTA. Approximately \$2.9 million is estimated to be available for this year's Section 5310 Phoenix/Mesa Urban UZA, projects. At this time Congress has approved partial apportionment of \$1.9 million. The priority listing takes into consideration the federal requirement of 55 percent of the FTA apportionment for the Phoenix/Mesa UZA, to be awarded to capital and mobility management eligible projects, with 37 percent for New Freedom eligible projects, minus an eight percent administration fee. On April 22, 2015, the MAG Elderly and Persons with Disabilities Transportation Program Ad Hoc Committee developed a priority listing of Section 5310 Phoenix/Mesa UZA applicants to be forwarded for funding when final FTA apportionments become available. The priority listing of Section 5310 Phoenix/Mesa UZA applicants was recommended to be moved forward by the MAG Transit Committee and the MAG Human Services Technical Committee on May 14, 2015, the MAG Human Services Coordinating Committee on May 20, 2015, the MAG Transportation Review Committee on May 28, 2015, and the MAG Management Committee on June 10, 2015.

5F. Proposed Major Amendment to the MAG 2035 Regional Transportation Plan: Add the Central Avenue Light Rail Transit Extension Project from Washington/Jefferson to Baseline Road

The MAG Regional Council, by consent, approved the proposed major amendment to the Regional Transportation Plan to add a five (5) mile light rail transit (LRT) extension on Central Avenue: Washington/Jefferson to Baseline Road and that the Regional Transportation Plan be amended subject to the approval of the air quality conformity analysis which is now complete. This agenda item

represents the third step and final action to approve this project, which is a Major Amendment to the MAG Regional Transportation Plan (RTP). The first step was to initiate the RTP Major Amendment Process and request outside consultation as required by state statute. On August 27, 2014, the MAG Regional Council started the Major Amendment process by requesting consultation on the proposed major amendment to the Regional Transportation Plan to add a five (5) mile light rail transit (LRT) extension on Central Avenue: Washington/Jefferson to Baseline Road. The second step was to approve the amendment to the RTP for the required air quality conformity analysis. This final action is for final approval to add the project into the RTP subject to the final approval of the conformity analysis by the Regional Council in June 2015. This major amendment was recommended for approval on May 14, 2015, by the MAG Transit Committee, on May 28, 2015, by the MAG Transportation Review Committee, on June 10, 2015, by the MAG Management Committee and on June 17, 2015, by the Transportation Policy Committee.

#### 5G. Revisions to the Arterial Life Cycle Program Policies and Procedures

The MAG Regional Council, by consent, approved the proposed revisions to the Arterial Life Cycle Program Policies and Procedures. The Arterial Life Cycle Program (ALCP) is the financial management tool for the arterial component of the Regional Transportation Plan. The Program is guided by the ALCP Policies and Procedures (Policies), which were last approved by the MAG Regional Council on May 28, 2014. A need to update the Policies was since identified. Proposed changes to the Policies can be grouped into three major categories: (1) detailed procedures when a program deficit or surplus occurs, (2) inclusion of a Project Change Tool to evaluate proposed project changes, and (3) refinements to federal ALCP project match requirements. The proposed changes were developed by the ALCP Working Group over the course of six months and were reviewed by the Managers Working Group on April 29, 2015. The proposed revisions to the Arterial Life Cycle Program Policies and Procedures were recommended for approval on May 28, 2015, by the MAG Transportation Review Committee, on June 10, 2015, by the MAG Management Committee, and on June 17, 2015, by the Transportation Policy Committee.

#### 5H. Draft Fiscal Year 2016 Arterial Life Cycle Program

The MAG Regional Council, by consent, approved the draft FY 2016 Arterial Life Cycle Program. The Regional Transportation Plan (RTP) identified 94 arterial street projects to receive funding from the regional sales tax extension and MAG federal funds. The Arterial Life Cycle Program (ALCP) serves as the financial management tool to implement these projects. Information contained in the ALCP includes project location, regional funding, fiscal year for work, type of work, status of project, and identification of the Lead Agency. As part of the ALCP process, Lead Agencies update project information annually. MAG staff has programmed the draft Fiscal Year (FY) 2016 ALCP based on updated revenue streams, information provided by Lead Agencies, and the principles defined in the ALCP Policies and Procedures. The FY 2016 Arterial Life Cycle Program was recommended for approval on May 28, 2015, by the MAG Transportation Review Committee, on June 10, 2015, by the MAG Management Committee, and on June 17, 2015, by the Transportation Policy Committee.

5I. MAG Federal Fund Programming Guidelines and Procedures Update

The MAG Regional Council, by consent, approved the draft Federal Fund Programming Guidelines and Procedures, 2015 Update. At the direction of the Managers Federal Fund Working Group in 2014, the Street Committee, with representatives from other MAG technical committees, has completed revisions and updates to the MAG Federal Fund Programming Guidelines. Included in the packet is a composite version of the draft Federal Fund Programming Guidelines with changes recommended by the MAG Street Committee in March 2015, and includes comments by the MAG Managers Federal Fund Working Group from April 2015. The draft Federal Fund Programming Guidelines and Procedures, 2015 update was recommended for approval on May 28, 2015, by the MAG Transportation Review Committee and on June 10, 2015, by the MAG Management Committee.

5J. FY 2015 Road Safety Assessments and Project Assessments at Intersections and Corridors

The MAG Regional Council, by consent, approved the list of ten projects for performing eight Road Safety Assessments and developing two Project Assessments, including one RSA project in the City of Glendale deferred from the previous year, to be completed with the available funding. The Fiscal Year (FY) 2015 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2014, includes a total of \$370,000 in MAG planning funds for performing Road Safety Assessments (RSA)s and Project Assessments (PA)s. Each year, more than 56,000 crashes occur on the local and arterial street system in the MAG region. About half of these crashes occur at intersections that result in nearly 17,000 persons being injured or killed each year. The MAG Transportation Safety Committee has recommended RSAs as a regional road safety initiative to help identify and address safety issues at high risk intersections. A total of 36 RSAs has been successfully completed by MAG. Performance of a Project Assessment (PA) is the next logical step following an RSA or a similar investigation. The development of a PA would result in a road safety improvement project that is designed up to 15 percent completion. Projects with completed PAs would be better positioned to compete for federal road safety funds. Three PAs were completed in the FY 2014 program cycle. Member agencies also submitted candidate projects for Transit RSAs. The Transit RSAs would support the goal, identified in the Draft MAG Strategic Transportation Safety Plan, of improving safety related to pedestrian and bicyclist access to transit facilities. Qualified MAG on-call consultants would conduct the RSAs and PAs. The list of ten projects for performing eight RSAs and developing two PAs, including one RSA project in the City of Glendale deferred from the previous year, was recommended for approval by the Transportation Safety Committee on April 28, 2015, by the MAG Transportation Review Committee on May 28, 2015, and the MAG Management Committee on June 10, 2015.

5K. New Finding of Conformity for the FY 2014-2018 MAG Transportation Improvement Program and 2035 Regional Transportation Plan, As Amended

The MAG Regional Council, by consent, approved the new Finding of Conformity for the FY 2014-2018 MAG Transportation Improvement Program and 2035 Regional Transportation Plan, as amended. On January 29, 2014, the MAG Regional Council approved the Fiscal Year 2014-2018 MAG Transportation Improvement Program (TIP) and 2035 Regional Transportation Plan. An amendment to the TIP and 2035 Regional Transportation Plan is required for Arterial Life Cycle Program projects, various projects for Avondale, Buckeye, Chandler, Fountain Hills, Gilbert, Maricopa (city), Mesa,

Peoria, Phoenix, Pinal County, Queen Creek, Scottsdale, and Surprise, and the Valley Metro Rail Tempe Streetcar transit project. The project modifications impact the modeling assumptions used in the most recent conformity analysis and a new regional emissions analysis for the Maricopa and Pinal County nonattainment and maintenance areas was conducted. The results of the regional emissions analysis, when considered together with the TIP and RTP as a whole, indicate that the amendment will not contribute to violations of federal air quality standards. On May 15, 2015, the Maricopa Association of Governments transmitted for consultation a conformity assessment for a proposed amendment to the FY 2014-2018 MAG Transportation Improvement Program (TIP) and 2035 MAG Regional Transportation Plan. Since that time, new information has been received on Arterial Life Cycle Program projects and on the Valley Metro Rail Tempe Streetcar transit project. On May 22, 2015, MAG transmitted for consultation a complete list of projects in a revised Attachment B. It is important to note that the revised list of projects does not impact the results of the regional emissions analysis previously transmitted for consultation on May 15, 2015. On June 10, 2015, the MAG Management Committee recommended approval of the new Finding of Conformity. Comments were requested by June 23, 2015.

5L. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2014-2018 MAG Transportation Improvement Program and 2035 Regional Transportation Plan. The amendment and administrative modification involve several projects, including changes to miscellaneous projects and the FY 2015 Transit Program of Projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. Comments were requested by June 23, 2015.

5M. Proposed Changes to the MAG Human Services Coordinating Committee

The MAG Regional Council, by consent, approved the proposed changes to the MAG Human Services Coordinating Committee. Members of the MAG Human Services Coordinating Committee propose changes to the name, composition, and focus of the committee. These changes will position the committee to continue its original goal of advising the MAG Regional Council on human services related issues in an effective and inclusive manner. The committee proposes to focus on a data driven analysis of regional human services issues, to prioritize these issues through the development of a regional human services action agenda, and to incubate solutions. The proposal reflects changes proposed by HSCC and the MAG Human Services Technical Committee. The changes were recommended for approval by the HSCC on June 9, 2015, and by the MAG Regional Council Executive Committee on June 15, 2015.

6. Election of Officers of the Transportation Policy Committee

Mr. Dennis Smith, MAG Executive Director, provided a staff report on this item. He stated that the adopted MAG Committee Operating Policies and Procedures provide that a Chair and Vice Chair who are duly elected members of a MAG member agency shall be elected from the members of the Transportation Policy Committee at the June Annual Regional Council meeting. Mr. Smith stated that the Chair and Vice Chair serve one-year terms with succession of positions occurring through the

ascending order of officers. The current Vice Chair, Mayor Jerry Weiers from the City of Glendale, would succeed to the Chair position and a new Vice Chair was needed. Mr. Smith noted that on May 13, 2015, a memorandum was sent to Transportation Policy Committee members requesting that those interested in being Vice Chair submit a letter of interest. One letter of interest, from Mayor John Giles from the City of Mesa, was received.

Chair LeVault asked members if they had questions. None being noted, he called for a motion.

Mayor Cathy Carlat moved to elect Mayor Jerry Weiers as Chair of the Transportation Policy Committee and Mayor John Giles as Vice Chair. Mayor John Lewis seconded, and the motion passed unanimously.

7. Election of Regional Council Officers and Executive Committee Members

Mayor Tom Schoaf, the Chair of the 2015 Nominating Committee, provided a report on the recommendation of the Nominating Committee. Mayor Schoaf stated that on May 27, 2015, the MAG Nominating Committee met and recommended a slate of officers for 2015-2016. The recommended slate includes: Mayor W. J. "Jim" Lane, Scottsdale, for Chair; Mayor Greg Stanton, Phoenix, for Vice Chair; Mayor Jackie Meck, Buckeye, for Treasurer; Three At-Large Members: Mayor Gail Barney, Queen Creek; Mayor Mark Mitchell, Tempe; and Mayor Lana Mook, El Mirage. Mayor Michael LeVault, Youngtown, would serve as Past Chair.

Chair LeVault asked members if they had questions. None were noted.

Supervisor Denny Barney moved to elect the officers of the MAG Regional Council Executive Committee: Mayor W. J. "Jim" Lane, Scottsdale, for Chair; Mayor Greg Stanton, Phoenix, for Vice Chair; Mayor Jackie Meck, Buckeye, for Treasurer; Three At-Large Members: Mayor Gail Barney, Queen Creek; Mayor Mark Mitchell, Tempe; and Mayor Lana Mook, El Mirage; and Mayor Michael LeVault, Youngtown, as Past Chair. Councilmember Dick Esser seconded, and the motion passed unanimously.

Chair LeVault expressed his appreciation to the Executive Committee members for their efforts on the important work to be done at MAG.

8. Legislative Update on House Bill 2617

Mr. Nathan Pryor, MAG staff, provided an update on House Bill (HB) 2617 and the possible ramifications of the diversion of Proposition 400 sales tax funds for transportation to the Arizona Department of Revenue. Mr. Pryor noted that HB 2617 was introduced in the closing days of the legislative session and was signed into law on April 14, 2015. He stated that it was meant as a correction to a larger budget bill.

Mr. Pryor stated that HB 2617 would direct annually, in perpetuity, approximately \$2.5 million from MAG and approximately \$500,000 from the Pima Association of Governments as an assessment fee for the cost of Arizona Department of Revenue. Mr. Pryor stated that concerns include whether the Voter



Protection Act applies, whether this assessment is setting a precedent, the source of the funds, and potential impacts.

Mr. Pryor stated that at the April 2015 MAG Regional Council meeting, this item was presented and the Regional Council proposed that a small group with Mayor LeVault, Mayor Lane, Mayor Mitchell, and Supervisor Barney meet with staff from the Governor's Office to better understand HB 2617. Mr. Pryor stated that on May 27th this group met with Rene Guillon from the Governor's Office. He noted that the group discussed the underlying factors for the legislation, potential paths to address it, and the pros and cons of filing a lawsuit.

Mr. Pryor stated that the consensus of the group was to recommend that a group be selected to negotiate with the Governor's Office to have an arrangement to assist the State of Arizona through the structural deficit regarding provisions of HB 2617. This was brought to MAG Executive Committee for consideration. Mr. Pryor stated that the Executive Committee discussed this issue three times since April 2015, mostly during executive sessions. He reported that the MAG Executive Committee met June 15th and recommended approval of selecting a group to negotiate with the Governor's Office to have an arrangement to assist the State of Arizona through the structural deficit regarding provisions with HB 2617.

Mr. Pryor noted that since PAG is impacted, they are looking for its three members of the PAG Regional Council to participate with the group from MAG. He added that it is anticipated that staff from the Governor's Office would participate.

Mr. Dennis Smith stated that HB 2617 says that the assessment would be in perpetuity. He added that the Executive Committee discussed that the State has a two-year structural deficit.

Chair LeVault asked if there were questions.

Mayor Jay Tibshraeny asked how the extra \$3 million would apply to the structural deficit, and the budget situation is not as severe as people think. Mr. Smith noted that Mayor Tibshraeny was correct – revenue is coming in higher than projected. He noted that the Governor could likely be in office for eight years and the question is whether it is in our best interest to file a lawsuit or work out a compromise solution. Mayor Tibshraeny remarked that the cities and towns have the same problem.

Supervisor Denny Barney expressed appreciation to the Executive Committee and Mr. Smith for their efforts on this issue. He remarked that a lot of money is at stake here and it is positive to discuss this. Supervisor Barney stated that the intent is not to be punitive to MAG and PAG, but it is all hands on deck. He added that he thought this was a good approach and he thanked MAG for its leadership.

Chair LeVault asked if the requested action would authorize the Executive Committee to name those in the group. Mr. Smith replied that the Regional Council could include this in its motion. He added that PAG has requested that its three officers participate on the group.

Mayor Cathy Carlat moved approval of selecting a group to negotiate with the Governor's office to have an arrangement to assist the State of Arizona through the structural deficit regarding provisions with House Bill 2617. Vice Mayor Robin Barker seconded.

Chair LeVault asked if there were any questions.

Mayor Tom Schoaf asked the source of funds to pay for this. Mr. Smith stated that the way the legislation was written, the member agencies could each receive an assessment, and he added that the amounts were quite steep. By default, if the amount is not paid by September 30th, the State Treasurer would withhold the funds from the County transportation excise tax.

Mayor Schoaf commented on concerns of the legality of redirecting voter-approved funds to fund purposes other than what the voters approved. He expressed that he had a big problem with that.

Mayor LeVault stated that he had the same concern. He noted that Regional Council action would establish a process for MAG, PAG, and the Governor's Office to negotiate.

Mayor Schoaf questioned whether MAG would be fulfilling its fiduciary responsibility to the taxpayers to spend the Proposition 400 funds for other purposes.

Chair LeVault stated that the requested Regional Council action would not state agreement with the provisions of HB 2617, and he added that the provisions of HB 2617 are going to happen because they are in law. He indicated that he thought the best course of action would be negotiation.

Mr. Smith noted that the issue is setting a precedent. He stated that approximately \$375 million is collected annually from the Regional Area Road Fund and we have until September 30th to work on a solution.

Mayor Price expressed his agreement for discussing the issue and whether concessions can be made. He stated that he would like it brought back to the Regional Council after the group meets. Mayor Price stated that he could support the action regarding moving forward on discussion.

Mayor Schoaf expressed that he could support negotiations as long as it is understood that this will come back to the Regional Council so he can vote against it. He cited his reason is because using the funds for this purpose is fundamentally wrong. He said that this is setting a precedent and it is wrong to disregard the taxpayers' wishes.

Mr. Smith suggested language the motion could state, "Approval of selecting the existing team and three officers from PAG to negotiate with the Governor's Office regarding the provisions of HB 2617 and report back to the Regional Council in August."

Vice Chair Lane stated that he had no problem with the language. He remarked that this is a negotiation and nothing is off the table. He added that the Executive Committee received legal advice from the MAG General Counsel. Vice Chair Lane remarked that it is a given that this group will not accept a solution that is not brought before the Regional Council first.

Mayor Carlat, as maker of the motion, agreed with the substitute language in the motion. Vice Mayor Barker, as second, agreed with the substitute language in the motion.

Mayor Tibshraeny expressed his agreement with Mayor Schoaf and support for working with the Governor's Office staff.

With no further discussion, the vote on the motion passed unanimously.

9. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting will be requested.

No requests were noted.

10. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Chair LeVault expressed that it has been an honor to serve as Chair of MAG. He requested that members and attendees join the Passing of the Gavel ceremony and reception after the Regional Council meeting.

Adjournment

There being no further business, the meeting adjourned at 12:00 p.m.

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Chair

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Secretary